

FIFTEENTH DAY

(Thursday, September 13, 1934)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Holloway.
Adamson.	Hoskins.
Aikin.	Huddleston.
Alexander.	Hughes.
Alsup.	Hunt.
Anderson.	Hunter.
Atchison.	Hyder.
Baker.	Jackson.
Barrett.	James.
Barron.	Jefferson.
Beck.	Johnson
Bergman.	of Anderson.
Bourne.	Jones of Atascosa.
Bradley.	Jones of Runnels.
Burns.	Jones of Shelby.
Butler.	Kayton.
Calvert.	Kyle of Hays.
Camp.	Kyle of Palo Pinto.
Canon.	Laird.
Cathey.	Lange.
Caven.	Latham.
Celaya.	Lemens.
Chastain.	Leonard.
Clayton.	Lindsey.
Colson.	Long.
Coombes.	Lotief.
Cowley.	Mackay.
Crossley.	Magee.
Daniel.	Mathis.
Davidson.	McCullough.
Dean.	McGregor.
Devall.	McKee.
Dunlap.	Merritt.
Dunagan.	Metcalf.
Dwyer.	Mitcham.
Engelhard.	Moffett.
Fain.	Moore.
Fisner.	Morrisor.
Ford.	Morse.
Fuchs.	Munson.
Glass.	Nicholson.
Golson.	Palmer.
Good.	Parkhouse.
Goodman.	Patterson.
Graves.	Pavlica.
Greathouse.	Pope.
Griffith.	Puryear.
Harman.	Ramsey.
Harris.	Ratliff.
Harrison.	Ray.
Hartzog.	Reader.
Head.	Reed of Bowie.
Hicks.	Reed of Dallas.
Hill.	Renfro.
Hodges.	Riddle.
Holekamp.	Roark.
Holland.	Roberts.

Rogers of Hunt.	Tarwater.
Rogers	Tennyson.
of Ochiltree.	Thomas.
Rollins.	Townsend.
Russell.	Turlington.
Savage.	Van Zandt.
Scott.	Vaughan.
Shannon.	Wagstaff.
Shults.	Walker.
Smith.	Weinert.
Steward.	Wells.
Stinson.	Winningham.
Stovall.	Wood.
Stubbeman.	Young.

Absent

McDougald.

Absent—Excused

Bedford.	Johnson
Duvall.	of Dimmit.
Hankamer.	Scarborough.
Hester.	Stanfield.
	Tillery.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Tillery for today, on motion of Mr. Rollins.

Mr. Duvall for today, on motion of Mr. Stinson.

The following Members were granted leaves of absence on account of illness:

Mr. Hankamer for today, on motion of Mr. Clayton.

Mr. Scarborough for today, on motion of Mr. Daniel.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Bradley, Mr. Holland, Mr. Mathis, Mr. Morse, and Mr. Moore:

H. B. No. 50, A bill to be entitled "An Act amending Chapter 19, House Bill No. 88, Acts of the Second Called Session of the Forty-third Legislature, declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural

Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors, and processors of milk and milk products; defining certain terms used in the bill; providing for application to the Commissioner of Agriculture by groups engaged in the milk industry in counties having a population in excess of 350,000; etc., and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Stevenson, Mr. Metcalfe, Mr. Jackson, Mr. Hankamer, Mr. Clayton, Mr. Stubbeman, and Mr. Townsend:

H. B. No. 51, A bill to be entitled "An Act making an appropriation to pay taxes for the years 1933 and 1934, due certain counties on lands set apart for the endowment of the University of Texas, which are now unsold, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Mackay, Mr. Bedford, Mr. Holland, Mr. Moore, Mr. Morse, and Mr. Hill:

H. B. No. 52, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State, and authorizing payment of said miscellaneous items on taking effect of this Act, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Mackay, Mr. Fuchs, Mr. Holekamp, Mr. Tarwater, Mr. Metcalfe, and Mr. Stovall:

H. B. No. 53, A bill to be entitled "An Act amending Articles 5069, 5071, and 5073, Revised Civil Statutes, 1925, defining 'interest' and 'usurious interest,' lowering the rate of interest which may be agreed upon and fixed by parties to a written contract from ten per cent (10%) per annum to six per cent (6%) per annum, providing a penalty for charging interest in excess of six per cent (6%) per annum, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Engelhard:

H. B. No. 54, A bill to be entitled "An Act creating Colorado River Authority, a governmental agency, body politic and corporate, as a Water Control and Conservation Dis-

trict under Section 59, of Article 16, of the Constitution, for the purposes therein set out, without power of taxation, and without power to create any debt payable out of taxation or to pledge the credit of the State; defining the powers thereof; the purposes, powers, and authority of said district, authorizing the storing, controlling, conservation, and distribution of the waters of the Colorado River and its tributaries, for irrigation, domestic, industrial, and municipal uses, and the development, generation, distribution, and sale of water power and electric energy, with authority to make contracts, leases, and agreements; etc., and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Reader:

H. B. No. 55, A bill to be entitled "An Act to prohibit the sale of Barbituric Acid or derivatives and compounds thereof under any copyrighted or chemical names except to wholesale drug houses, chemical houses, and dispensing pharmacies or practicing physicians, providing that the same may not be dispensed except by a practicing physician or retail pharmacy on prescriptions written by a legally qualified practicing physician; providing certain rules and regulations; prescribing a penalty for the violation of this Act; and declaring an emergency."

Referred to Committee on Public Health.

GRANTING PERMISSION TO SUE THE STATE

Mr. Kyle of Palo Pinto offered the following resolution:

H. C. R. No. 13, To grant W. J. Harris permission to sue the State.

Whereas, On or about September 3, 1934, W. J. Harris of Mineral Wells, Texas, Palo Pinto County, was seriously injured while driving an automobile on Highway No. 1, four miles west of Mineral Wells, Texas, which was caused from a board that had fallen in such a manner that it extended out on the Brazos River bridge and caught said W. J. Harris's car, causing a great damage to his automobile and a serious injury to Mr. Harris, and the State of Texas, through its Highway Department, is not permitted, under the Constitution and laws of this State, to pay the

said W. J. Harris his damages for said injuries; unless permission of the Legislature to bring suit is granted; and

Whereas, The said W. J. Harris desired to bring suit against the State of Texas to recover such damages; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said W. J. Harris be, and he is hereby, granted permission to bring suit against the State of Texas, and/or against the State Highway Department of Texas, in a court of competent jurisdiction in Travis County, Texas, in order to determine the compensation, if any, he is entitled to recover by reason of his said injuries; and be it further

Resolved, That service of citation, or other necessary process may be had upon the Highway Commission and the Attorney General with the same force and effect as in civil cases.

The crowded condition of the calendar and the importance of the subject matter of the resolution hereinabove set forth creates an emergency, and an imperative public necessity, requiring the suspension of the constitutional rule requiring bills to be read upon three separate days in each House, and the said rule is hereby suspended, and this resolution shall take effect and be in force from and after its passage, and it is so enacted.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

RELATIVE TO LOBBYING

Mr. Hartzog offered the following resolution:

Whereas, There has been for some time past and is now much discussion and criticism of the practice of lobbying throughout the State of Texas; and

Whereas, It is being alleged in many quarters that much meritorious legislation has been endangered, if not defeated, by the practices of so-called lobbyists representing groups of corporations and special interests, as well as the heads of State departments and their employes, having selfish interests and employing unethical and subversive practices in attempt-

ing to secure either the enactment or defeat of bills in the Legislature; and

Whereas, It is the opinion of the House, in the event such alleged reprehensible methods are being practiced to the extent alleged, that same should not only be condemned by the Legislature, but proper measures should be taken to forever end such alleged unfair and unscrupulous methods, by the passage of proper laws designed to regulate such practices and to further regulate and prescribe the manner and methods by which citizens of the State who have an interest in any legislation may appear for and against such legislation at the proper time and in the proper manner before the regular committees of the House and Senate, and there openly present their views and reasons for favoring or opposing legislation; and

Whereas, It is not the intent of the House that any person should be deprived of his constitutional right of petition and the privilege of presenting his views before the standing committees of the House and Senate, at proper times, subject to such regulations as may be imposed by law; and

Whereas, The regulation of lobbying has not only been advocated by many of the candidates for Governor and the Legislature in the recent campaigns, but has become a platform demand of the Democratic State Convention, just held at Galveston; now, therefore, be it

Resolved by the House of Representatives, That a committee of seven persons, to be known as the Legislative Lobby Investigating Committee, be created as follows: During the present Called Session of the Legislature, the Speaker of the House of Representatives shall appoint all seven members of said Committee, and the Speaker shall be authorized to fill any vacancies that may occur on said Committee. That the duties of the Committee shall be prescribed generally as follows:

The Committee shall meet in the Capitol at Austin within five days after its appointment, and shall organize by electing one of its Members chairman, another vice-chairman, and another secretary, and such other officers as may be necessary, and shall at said meeting determine upon and fix a place and a date for its next business meeting and for the holding of hearings, etc.

The Committee shall adopt such rules and regulations as are necessary

to carry out the provisions and intent of this resolution. The Committee shall be provided with a committee room in the Capitol at Austin, and all sessions shall be open to the public, except at such times as the Committee may, by majority vote, determine to hold an executive session.

The Committee shall begin its work not later than its second meeting, and shall continue its sessions and investigations as may be determined by a majority vote of the Committee until its work has been completed; but it shall conclude its investigations and make a report to the Legislature as soon as it is practicable; providing, however, its report shall be made not later than the end of the second week of the Regular Session of the Forty-fourth Legislature. The Committee's report shall be accompanied by appropriate proposed bills for introduction in the Legislature in instances where specific legislation is recommended, and where such action is practicable.

The Committee herein provided shall have free access to all books and records in the several departments of the State Government and of all private and municipal corporations doing business in the State of Texas, in order to enable it to thoroughly investigate the practice of lobbying in all of its phases.

The Committee shall have the power to require from all persons, firms, and corporations in this State such information as it may desire with reference to lobbying practices, and the methods employed by their agents, attorneys, and representatives in attempting to influence legislation.

The Committee shall have the power to issue such process, including subpoenas and subpoenas duces tecum, which may be necessary to compel the attendance of witnesses, or produce all books, records or other information that may be desired by it in the proper discharge of its duties. It shall also have all powers to punish for contempt as are possessed by the district courts of this State, and shall have all other powers possessed by the district courts of the State in compelling the attendance of witnesses, production of records and the enforcement of its processes.

The Committee shall have full power and authority to employ and compensate all necessary investigators, stenographers, and other clerical help, and it shall be the duty of

such Committee to make and keep a record of its investigations, and all funds expended by it and to whom paid, and the amounts thereof. It shall not be the duty of said Committee, however, to keep a stenographic report of all information or investigations made by it, but it shall have the authority to keep such records as it deems advisable, and each member of said Committee shall have the power to administer oaths or affirmations, and to swear witnesses.

The members of the Committee shall receive no compensation for the performance of their services as members of the Committee, but they shall receive, during the time they actually serve, their traveling expenses, including hotel, telegraph, telephone, postage, and other expenses necessarily incurred in the discharge of their duties.

The Committee shall be authorized and empowered to purchase such stationery and other supplies as may be necessary in the discharge of their duties.

All expenses of the Committee herein created shall be paid out of the Contingent Fund of the House of Representatives of the Forty-third Legislature, including publication of copies of the Committee report and the distribution of same to the Members of the Legislature.

Provided, further, that all expenditures of such Committee shall be made upon the sworn accounts of the persons entitled to such pay, and approved by the chairman or vice-chairman and secretary of the Committee. The secretary shall file with the State Comptroller of Public Accounts a statement showing in detail all expenditures made by such Committee, and the amounts and to whom all payments were made.

Signed—Hartzog, Butler, Celaya, Laird, Lotief, McKee, Barron, Hoskins, Roberts, Young, Baker, Adamson, Graves, Hill, Winningham, Nicholson, Puryear, Kyle of Hays, Weinert, Jefferson, Kyle of Palo Pinto, Tennyson, Long, Holekamp, Dunagan, Holloway, Latham, Atchison, Wood, Hunter, Devall, Hodges, Chastain, Fisher, Riddle, Ray, Aikin, Colson, Smith, Griffith, Mackay, Fuchs, Bourne, Steward, Davidson, Rollins, Hankamer, Lindsey, Fain, Clayton, Turlington, Tarwater, Barrett, Parkhouse, Camp, Rogers of Hunt, Hicks, McCullough, Walker, Kayton, Hyder,

Tillery, Ramsey, Savage, Harman, Jones of Atascosa, Engelhard, Daniel, Burns, Harrison, Palmer, Jones of Runnels, Shults, Merritt, Mitcham, Magee, Cowley.

The resolution was read second time.

Mr. Russell moved that the resolution be referred to the Committee on State Affairs.

Mr. Head moved that the resolution be referred to the Committee on Judiciary.

Mr. Moffett raised a point of order on further consideration of the resolution at this time, on the ground that the time for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Hartzog moved that the House Rule, which relates to the time allotted for the consideration of resolutions, be suspended for the purpose of further considering the resolution.

The motion was lost by the following vote:

Yeas—53

Adamson.	James.
Aikin.	Kyle of Hays.
Anderson.	Kyle of Palo Pinto.
Atchison.	Laird.
Baker.	Latham.
Barron.	Long.
Bradley.	Mackay.
Burns.	Magee.
Butler.	Mathis.
Camp.	McCullough.
Cathey.	Mitcham.
Clayton.	Moore.
Coombes.	Morse.
Daniel.	Nicholson.
Dunagan.	Parkhouse.
Dwyer.	Patterson.
Fuchs.	Purveyer.
Golson.	Ramsey.
Good.	Rogers of Hunt.
Goodman.	Rollins.
Graves.	Russell.
Griffith.	Savage.
Harrison.	Shults.
Hartzog.	Tennyson.
Holland.	Walker.
Hoskins.	Weinert.
Hyder.	

Nays—64

Alexander.	Canon.
Alsup.	Caven.
Beck.	Chastain.
Bergman.	Cowley.
Bourne.	Crossley.
Calvert.	Davidson.

Dean.	Ray.
Fain.	Reader.
Fisher.	Reed of Bowie.
Ford.	Reed of Dallas.
Glass.	Renfro.
Head.	Riddle.
Hicks.	Roark.
Hodges.	Roberts.
Huddleston.	Rogers
Hughes.	of Ochiltree.
Hunt.	Scott.
Hunter.	Shannon.
Jackson.	Smith.
Jones of Runnels.	Steward.
Lange.	Stinson.
Lemens.	Stovall.
Lindsey.	Stubbeman.
Lotief.	Tarwater.
Merritt.	Thomas.
Metcalfe.	Turlington.
Moffett.	Van Zandt.
Morrison.	Vaughan.
Munson.	Wells.
Palmer.	Winningham.
Pavlica.	Wood.
Pope.	Young.
Ratliff.	

Present—Not Voting

Holekamp.

Absent

Barrett.	Johnson
Celaya.	of Anderson.
Colson.	Jones of Atascosa.
Devall.	Jones of Shelby.
Dunlap.	Kayton.
Engelhard.	Leonard.
Greathouse.	McDougald.
Harman.	McGregor.
Harris.	McKee.
Hill.	Townsend.
Holloway.	Wagstaff.
Jefferson.	

Absent—Excused

Bedford.	Johnson
Duvall.	of Dimmit.
Hankamer.	Scarborough.
Hester.	Stanfield.
	Tillery.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, September 13, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 13, A bill to be entitled "An Act granting to G. B. White and B. White and each of them, and to the heirs and legal representatives of

each of them, the right and authority to sue the State of Texas for a settlement of all rights, claims and demands of the said G. B. White and B. White, and each of them, arising out of or incident to the execution of and the performance under that certain contract made between G. B. White and B. White under the name of White Brothers and the State of Texas by its State Highway Engineer and State Highway Commission, of date January 7, 1931, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 25 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 25, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, any county, city, school district, road district, levee improvement district, water improvement district, and water control and improvement district, and water control and improvement district, irrigation district, and other defined subdivisions of the State, provided same are paid on or before March 31, 1935, with an addition of one per cent (1%) on said taxes; provided said taxes are paid after March 31, 1935, and on or before December 31, 1935, with an addition of two per cent (2%) on said taxes; and provided said taxes are paid after December 31, 1935, and on or before March 31, 1936, with an addition of four per cent (4%) on said taxes; etc., and declaring an emergency";

The bill having been read second time on yesterday, with amendment by Mr. Russell, pending.

Mr. Morrison offered the following substitute for the amendment by Mr. Russell:

Substitute amendment, for Russell amendment to House Bill No. 25, by striking out all of Section 1 of said amendment and inserting in lieu thereof the following:

"Section 1. That all interest and penalties that have accrued on all ad valorem and poll taxes that were de-

linquent on or before August 1, 1934, due the State, or any county, city, school district, road district, levy improvement district, water improvement district and water control and improvement district, irrigation district, and other defined subdivisions of the State, shall be, and the same are hereby, released; provided, said ad valorem and poll taxes are paid on or before February 1, 1935, with an addition of one per cent (1%) penalty on said taxes; and shall be, and the same are hereby, released; provided, said ad valorem and poll taxes are paid after February 1, 1935, and on or before April 1, 1935, with an addition of two per cent (2%) penalty on said taxes; and shall be, and the same are hereby, released; provided, said ad valorem and poll taxes are paid after April 1, 1935, and on or before June 1, 1935, with an addition of three per cent (3%) penalty on said taxes; and shall be, and the same are hereby, released; provided, said ad valorem and poll taxes are paid after June 1, 1935, and on or before August 1, 1935, with an addition of four per cent (4%) penalty on said taxes; and shall be, and the same are hereby, released; provided, that said ad valorem and poll taxes are paid after August 1, 1935, and on or before November 1, 1935, with an addition of six per cent (6%) penalty on said taxes; provided, that the penalties prescribed herein shall not be cumulative."

MORRISON,

CANON,

LOTIEF,

HUDDLESTON.

Question recurring on the amendment by Mr. Morrison, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—94

Adamson.
Aikin.
Alexander.
Alsup.
Atchison.
Baker.
Beck.
Bergman.
Bourne.
Bradley.
Burns.
Calvert.
Canon.
Cathey.
Caven.

Celaya.
Chastain.
Coombes.
Cowley.
Davidson.
Dean.
Dunlap.
Dwyer.
Engelhard.
Fain.
Fisher.
Ford.
Fuchs.
Glass.
Golson.

Goodman.	Mitcham.
Greathouse.	Morrison.
Griffith.	Palmer.
Harris.	Patterson.
Harrison.	Pavlica.
Hartzog.	Pope.
Head.	Puryear.
Hodges.	Ramsey.
Holland.	Ray.
Hoskins.	Reed of Bowie.
Huddleston.	Reed of Dallas.
Hughes.	Riddle.
Hunt.	Roark.
Hunter.	Roberts.
James.	Rogers of Hunt.
Jefferson.	Rogers
Johnson	of Ochiltree.
of Anderson.	Rollins.
Jones of Atascosa.	Savage.
Jones of Runnels.	Scott.
Jones of Shelby.	Shannon.
Laird.	Shults.
Lange.	Smith.
Latham.	Stinson.
Lemens.	Stovall.
Leonard.	Tarwater.
Lindsey.	Thomas.
Lotief.	Van Zandt.
Mackay.	Vaughan.
Magee.	Walker.
Mathis.	Weinert.
McCullough.	Wells.
Merritt.	Young.

Nays—33

Anderson.	Moffett.
Barrett.	Moore.
Camp.	Morse.
Clayton.	Munson.
Crossley.	Nicholson.
Daniel.	Parkhouse.
Devall.	Ratliff.
Dunagan.	Reader.
Graves.	Russell.
Hicks.	Steward.
Hlekamp.	Stubbeman.
Hyder.	Tennyson.
Jackson.	Townsend.
Kayton.	Turlington.
Kyle of Hays.	Winningham.
Kyle of Palo Pinto.	Wood.
Metcalf.	

Absent

Barron.	Long.
Butler.	McDougald.
Colson.	McGregor.
Good.	McKee.
Harman.	Renfro.
Hill.	Wagstaff.
Holloway.	

Absent—Excused

Bedford.	Hankamer.
Duvall.	Hester.

Johnson	Stanfield.
of Dimmit.	Tillery.
Scarborough.	

Mr. Chastain offered the following amendment to the amendment as substituted:

Amend Morrison substitute by striking out the following words in lines 8 and 9, to wit: "With an addition of one per cent (1%) penalty on said taxes."

The amendment was adopted.

(Pending consideration of the amendment, Mr. Leonard occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Kyle of Palo Pinto offered the following amendment to the amendment as substituted:

Amend amendment to House Bill No. 25 by adding thereto the following paragraph:

"It is provided that the provisions of this Act shall not apply to cities, towns and villages, and special school districts, and independent school districts, and independent school districts unless, and until, the governing body of any such city, town, or village, or special school district, or independent school district finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accelerate the collection thereof, whereupon such governing body shall adopt a resolution, or ordinance, evidencing such finding, and upon the recording of such findings of fact, the provisions of this Act shall be in full force and effect as to any such city, town, or village, or special school district, or independent school district. It is hereby expressly and specifically provided that penalties and interest herein released are released only on delinquent ad valorem and poll taxes and on no other taxes."

KYLE of Palo Pinto,
GLASS,
TENNYSON,
WOOD,
ALEXANDER,
MOFFETT.

Question—Shall the amendment by Mr. Kyle of Palo Pinto be adopted?

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 13, To the Committee on State Affairs.

RECESS

On motion of Mr. Moffett, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by Speaker Stevenson.

(Mr. Jones of Atascosa in the Chair.)

HOUSE BILL NO. 25 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 25, relative to certain delinquent taxes;

The bill having heretofore been read second time, with amendment by Mr. Russell, as substituted by amendment by Mr. Morrison and amendment by Mr. Kyle of Palo Pinto to the amendment as substituted, pending.

While the House was debating the amendment, Mr. Pope was recognized by the Chair for the purpose of addressing the House on the pending question.

Mr. Van Zandt objected to Mr. Pope speaking at this time, stating that he had used all the time allotted him under the rules of the House for the purpose of debating the pending amendment, inasmuch as he had spoken twice on the question.

The record showing that Mr. Pope had spoken once on the bill.

Mr. Pope yielded to Mr. Van Zandt, who was recognized and moved the previous question on the pending amendments.

The Chair stated that he did not recognize Mr. Van Zandt for the purpose of moving the previous question, thereby cutting off Mr. Pope's right to speak, inasmuch as he had previously recognized Mr. Pope to address the House, and stated that Mr. Pope was now recognized.

Mr. Van Zandt raised the point of order that Mr. Pope had no right under the rule of the House to speak at this time.

The Chair overruled the point of order.

Mr. Van Zandt appealed from the ruling of the Chair.

Mr. Morse was called to the Chair pending the appeal.

The appeal was duly seconded.

Mr. Van Zandt asked unanimous consent of the House to withdraw the appeal.

There was objection offered.

Question—Shall the House sustain the Chair?

The House sustained the Chair by the following vote: Yeas, 102; nays, 12.

Mr. Kayton moved that the proceedings in regard to the appeal be expunged from the record.

The motion was lost.

(Mr. Jones of Atascosa in the Chair.)

Mr. Kyle of Palo Pinto moved the previous question on the pending amendment and the bill, and the motion was not seconded.

Mr. Kayton offered the following substitute for the amendment by Mr. Kyle of Palo Pinto:

"It is provided that the provisions hereof of this Act shall not apply to counties, cities, towns, villages, special school districts, and independent school districts unless and until the governing body of any such subdivision of government finds that unusual or excessive default in the payment of ad valorem taxes has occurred, and that an extension of time for the payment of such delinquent taxes will promote and accelerate the collection thereof; whereupon such governing body shall adopt a resolution, or ordinance, evidencing such finding, and upon the recording of such findings of fact the provisions of this Act shall be in full force and effect as to any such city, county, town, village, or special or independent school district. It is hereby expressly and specifically provided that penalties and interest herein released are released only on delinquent ad valorem tax and poll taxes, and on no other tax."

(Mr. Leonard in the Chair.)

Mr. Kyle of Palo Pinto moved to table the amendment by Mr. Kayton.

The motion to table prevailed.

Mr. Greathouse moved to table the amendment by Mr. Kyle of Palo Pinto.

The motion to table prevailed.

Mr. Stinson offered the following amendment to the amendment by Mr. Morrison:

Amend amendment to House Bill No. 25, by adding thereto the following paragraph:

"Section —. The provisions of this Act shall not apply to cities, towns, villages, special school districts, and independent school districts in all counties of this State having a population of more than 300,000 inhabitants, and less than 350,000 inhabitants, according to the last preceding Federal Census, unless and until said provisions are adopted by proper resolution or ordinance of the governing body of any such city, town, village, special school district, or independent school district."

STINSON,
HUGHES.

Mr. Coombes raised a point of order on further consideration of the amendment, on the ground that the amendment, if adopted, would render the bill unconstitutional.

The Chair declined to rule on the point of order, stating that he would let the House decide the matter by its vote on the amendment.

Question—Shall the amendment by Mr. Stinson be adopted?

RELATIVE TO HOUSE BILL NO. 44

Mr. Jones of Runnelis asked unanimous consent of the House to have his name withdrawn from House Bill No. 44, as one of the signers thereof.

There was no objection offered, and it was so ordered.

RELATIVE TO BANKHEAD COTTON BILL

On motion of Mr. McGregor, the following resolution was ordered printed in the Journal:

Requesting and urging the Attorney General of the United States to institute proceedings in a court of competent jurisdiction to invalidate the Bankhead Cotton Bill.

Whereas, The so-called Bankhead

Cotton Bill now being in force in the cotton-producing States upon a patient and tax-ridden people, is not only oppressive, unjust, undemocratic and un-American, but is unconstitutional in that it violates Section 1, of Article I, of the United States Constitution, in that it vests "legislative power" in the Secretary of Agriculture; (a) it violates Section 8, of Article I, in that it gives the Secretary of Agriculture the "power to lay and collect taxes"; (b) it violates Section 1, of Article I, by giving the Secretary of Agriculture the "power to regulate commerce among the several States"; (c) it violates Section 1, of Article I, of the Constitution because it gives the Secretary of Agriculture the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers"; (d) it violates the Constitution in that it lays a direct tax which is not in proportion to the census of enumeration directed by the Constitution"; (e) it violates the Constitution because it lays "a tax or duty on articles exported from a State"; (f) it violates the Constitution because it gives a preference by regulation of commerce to the non-cotton-producing States as against the cotton-producing States; (g) it violates the commerce clause of the Constitution because it hinders, retards and prohibits the free flow of commerce rather than promotes the same; (h) it violates Section 10, of Article II, of the Constitution, because it vests judicial power in the Secretary of Agriculture; (i) it violates Section 4, of Article IV, of the Constitution, in that it sets up a modified socialism within a State, and thereby pretends to it a republican form of government; (j) it violates Article VI of the Constitution by making a decision of the Secretary of Agriculture "the supreme law of the land"; (k) it violates the Tenth Amendment to the United States Constitution by delegating to the Secretary of Agriculture "powers not delegated to the United States by the Constitution, nor prohibited by it to the States," thereby destroying the rights of the States; and

Whereas, Said Bankhead Bill is oppressive in this:

(1) It discriminates against the tenant farmer and the small farm owner in favor of the large land owner;

(2) It adds new burdens to the back of the small farmer and carries on its face the promise that he will pass into the service of another and may ultimately become a peon subject to the control and power of the large land owner; and

Whereas, The said Bankhead Cotton Bill is undemocratic in that it discriminates between the cotton and non-cotton States; between communities in the cotton States, and between individuals in the same communities. It takes from the individual his inherent rights which existed anterior to the formation of his government and which was guaranteed to him under the Constitution of his government. It makes the man the peon of the State and reverses the American thought that the State was made for man and not that man was made for the State; and

Whereas, The said Bankhead Cotton Bill is subversive of and destructive of every concept of Americanism and fails to recognize that the Federal Constitution is the bedrock upon which this government rests, and that its integrity should be maintained in all of its parts all of the time. It fails to realize that Americanism means a government founded upon Magna Carta, wrested from King John at Runnymede, whereby English civilization protested for all time to come against any tyrannical invasion of the rights and liberties of the individual and announced the doctrine of the largest amount of liberty consistent with the safety of the whole and the freedom and happiness of the individual.

Americanism means a representative government, whose representatives reflect and execute the people's will; means a simple, economical government, by law and according to law, and not a complex government. It means a system of government which will not tolerate a tyrant, whether in the form of autocracy, bureaucracy, or mobocracy. Our Constitution was established and our government was chartered in order to create a government free from the evils of tyranny in any form and from any source. Americanism means a government by law, and not by man. It means a government under a rule of action, legally established and judicially determined, and not a government by discretion. It means that the limitation of the functions of government is the protection of the

citizen in his life, liberty, and pursuit of happiness. It means that this is a government of laws, and not of man; that the duties of every officer in this country, State and Nation, are defined by law and that his powers are limited by the Constitution, which must and shall prevail.

Failure to recognize this principle in our government will lead to the tyranny and oppression of a centralized and strong government or to the destroying and insidious power of the mob. One is the tyranny of the government; the other is the rule of the mob, the parent of anarchy, either of which is destructive to the government under which we live. The one makes its approach through official usurpation, the other through the autocratic assumption of those who would be bigger than the State and who unlawfully assume to execute the powers and functions of government.

Americanism means the preservation of our government in its theory and form of government by law, a government under which the individual of every class shall be protected in his property and personal rights, a government where the fundamental law safeguarding these rights shall be consistently interpreted and surely enforced, a government where constitutional safeguards shall be preserved in all their efficiency and under which every individual in every community shall be secure against either direct or indirect violence, extortion, or oppression. For these purposes was our government conceived and created. Out of this spirit was born Americanism. In the preservation of this purpose is involved, for weal or woe, the destiny of these republics, constituting as they do a Republic of Republics, therefore, be it

Resolved by the House of Representatives of the State of Texas, That it hereby earnestly requests and urges the Attorney General of the United States to immediately take the necessary action by initiating the proper proceeding in a court of competent jurisdiction, the Supreme Court, if it has the jurisdiction, to have this Bankhead Cotton law declared unconstitutional and void, as its later appeal will not remedy the veil it will have wrought if permitted to expire by its own operation or by repeal; be it further

Resolved, That the Clerk of the House be, and is hereby directed to immediately and by airmail, transmit

a copy of this resolution properly attested by the Speaker and the Clerk, to the Attorney General of the United States for his consideration and action.

McGREGOR,
WINNINGHAM.

RECESS

Mr. Hartzog moved that the House adjourn until 10 o'clock a. m., tomorrow.

Mr. Cathey moved that the House recess to 9 o'clock a. m., tomorrow.

Mr. Savage moved that the House adjourn until 9 o'clock a. m., tomorrow.

Mr. Cowley moved that the House recess to 10 o'clock a. m., tomorrow.

Mr. McGregor moved that the House recess to 8 o'clock p. m., today.

Question first recurring on the motion by Mr. McGregor, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—46

Aikin.	Lindsey.
Alsup.	McCullough.
Bergman.	McGregor.
Bradley.	Mitcham.
Canon.	Morrison.
Cathey.	Pavlica.
Celaya.	Pope.
Coombes.	Ratliff.
Dean.	Ray.
Dunlap.	Roark.
Engelhard.	Roberts.
Golson.	Rogers
Good.	of Ochiltree.
Greathouse.	Rollins.
Hill.	Russell.
Hoiges.	Savage.
Holekamp.	Scott.
Holland.	Steward.
Holloway.	Stovall.
Huddleston.	Tennyson.
Hunter.	Wagstaff.
Jones of Shelby.	Walker.
Kayton.	Winningham.
Latham.	

Nays—82

Adamson.	Calvert.
Alexander.	Camp.
Anderson.	Chastain.
Atchison.	Clayton.
Baker.	Colson.
Barron.	Cowley.
Beck.	Crossley.
Bourne.	Daniel.
Burns.	Davidson.

Dunagan.	Metcalf.
Dwyer.	Moffett.
Fain.	Moore.
Ford.	Morse.
Fuchs.	Munson.
Glass.	Nicholson.
Goodman.	Palmer.
Griffith.	Parkhouse.
Harris.	Patterson.
Harrison.	Puryear.
Hartzog.	Ramsey.
Head.	Reader.
Hicks.	Reed of Bowie.
Hoskins.	Reed of Dallas.
Hughes.	Renfro.
Hunt.	Riddle.
Hyder.	Rogers of Hunt.
Jackson.	Shannon.
James.	Shults.
Johnson	Smith.
of Anderson.	Stinson.
Jones of Atascosa.	Stubbeman.
Jones of Runnels.	Tarwater.
Kyle of Hays.	Thomas.
Kyle of Palo Pinto.	Townsend.
Laird.	Turlington.
Lange.	Van Zandt.
Lotief.	Vaughan.
Mackay.	Weinert.
Magee.	Wells.
Mathis.	Wood.
McKee.	Young.
Merritt.	

Absent

Barrett.	Harman.
Butler.	Jefferson.
Caven.	Lemens.
Devall.	Leonard.
Fisher.	Long.
Graves.	McDougald.

Absent—Excused

Bedford.	Johnson
Duvall.	of Dimmit.
Hankamer.	Scarborough.
Hester.	Stanfield.
	Tillery.

Question recurring on the motion by Mr. Cowley, it prevailed, and the House, accordingly, at 5:10 o'clock p. m., took recess to 10 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Appropriations: House Bills Nos. 4, 5, 48, 49, 47, 42, 34, 22, and 16.

Education: House Bills Nos. 44 and 43.